

Notice of Allowability

Application No.

10/828,451

Examiner

Wesley D. Markham

Applicant(s)

PELLERITE ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment dated 8/10/2005.
2. ☒ The allowed claim(s) is/are 14,15 and 21-32.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION / ALLOWANCE

Response to Amendment

1. Acknowledgement is made of the after-final amendment filed by the applicant on 8/10/2005, in which Claims 1 – 13 and 16 – 20 were canceled and Claims 21 – 32 were added. This amendment has been entered. As such, **Claims 14, 15, and 21 – 32** are currently pending in U.S. Application Serial No. 10/828,451.

Claim Observations

2. Please note that the status identifier of Claim 14 (“Previously Presented”) is correct, as is the text of the claim. The unintentional markings (i.e., the strikethrough through “3500” and the underlining under “6000”) are simply left over from the previous amendment in which “3500” was changed to read “6000”. Since the text of the claim is clear and correct, no further action is required by the applicant.
3. Regarding new Claim 32, it is clear that “the transparent substrate” in line 2 of the claim refers to “the ophthalmic lens” of Claim 14 (from which Claim 32 depends).

Allowable Subject Matter

4. Claims 14, 15, and 21 – 32 are allowed.
5. The following is an examiner’s statement of reasons for allowance: Claims 14, 15, and 21 – 32 are allowed for the same reasons that were set forth in paragraph 13 of the previous Office action (i.e., the final Office action mailed on 6/21/2005). Specifically, **Claim 14** (from which **Claims 15 and 21 – 32** depend) is drawn to a

method of depositing an antisoiling composition on an antireflective coated ophthalmic lens, the method comprising vaporizing a very specific antisoiling composition (see Claim 14) and depositing the antisoiling composition onto an antireflective coated ophthalmic lens, wherein the average molecular weight of the composition is about 800 to about 6000. The claims also require that the antisoiling composition be placed in a first chamber and the antireflective coated ophthalmic lens be placed in a second chamber connected to the first chamber so that the vaporized antisoiling composition from the first chamber deposits on the antireflective coated lens in the second chamber. This multiple chamber limitation is not taught or reasonably suggested by the prior art of record in the context of the claimed method of vaporizing and depositing the specific antisoiling composition(s) claimed by the applicant onto an antireflective coated ophthalmic lens, nor does the prior art of record provide any motivation for doing so. The examiner's position is supported by art of record, including Kono (US 2003/0003227 A1), Arora et al. (USPN 6,610,363), Anthes et al. (USPN 6,296,793), Dombrowski et al. (USPN 5,853,800), Takushima (US 2004/0142185 A1), Cross (USPN 6,542,302), Boulineau et al. (US 2004/0076759 A1), Kamura et al. (USPN 6,264,751 B1), Miyazawa et al. (USPN 6,119,626), and Yamaguchi et al. (US 2004/0047047 A1), all of which teach processes of vacuum-vapor depositing (fluoro)silane-based antisoiling coatings (albeit different antisoiling coatings than those claimed by the applicant) onto optical substrates such as antireflective-coated ophthalmic lenses in which the antisoiling coating material and the lens(es) / substrate(s) are located in the same chamber.

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6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

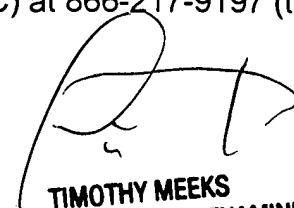
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley D. Markham whose telephone number is (571) 272-1422. The examiner can normally be reached on Monday - Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER

Wesley D Markham
Examiner
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